



Senate

General Assembly

February Session, 2018

File No. 511

Senate Bill No. 238

Senate, April 16, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF
LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018, and*
3 *applicable to any offense committed on or after October 1, 2018, and to any*
4 *offense committed prior to October 1, 2018, for which the statute of*
5 *limitations in effect at the time of the commission of the offense had not yet*
6 *expired as of October 1, 2018*):

7 (a) There shall be no limitation of time within which a person may
8 be prosecuted for (1) a capital felony under the provisions of section
9 53a-54b in effect prior to April 25, 2012, a class A felony or a violation
10 of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or
11 53a-166 in which such person renders criminal assistance to another
12 person who has committed an offense set forth in subdivision (1) of
13 this subsection, (3) a violation of section 53a-156 committed during a

14 proceeding that results in the conviction of another person
15 subsequently determined to be actually innocent of the offense or
16 offenses of which such other person was convicted, or (4) a motor
17 vehicle violation or offense that resulted in the death of another person
18 and involved a violation of subsection (a) of section 14-224.

19 (b) No person may be prosecuted for a class B felony violation of
20 section 53a-70 or 53a-70a or a violation of section 53a-70b, 53a-71, 53a-
21 72a or 53a-72b for which the punishment is or may be imprisonment in
22 excess of one year, except within ten years next after the offense has
23 been committed.

24 [(b)] (c) No person may be prosecuted for any offense, other than an
25 offense set forth in subsection (a) or (b) of this section, for which the
26 punishment is or may be imprisonment in excess of one year, except
27 within five years next after the offense has been committed.

28 [(c)] (d) No person may be prosecuted for any offense, other than an
29 offense set forth in subsection (a), [or] (b) or (c) of this section, except
30 within one year next after the offense has been committed.

31 [(d)] (e) If the person against whom an indictment, information or
32 complaint for any of said offenses is brought has fled from and resided
33 out of this state during the period so limited, it may be brought against
34 such person at any time within such period, during which such person
35 resides in this state, after the commission of the offense.

36 [(e)] (f) When any suit, indictment, information or complaint for any
37 crime may be brought within any other time than is limited by this
38 section, it shall be brought within such time.

39 Sec. 2. Subsection (c) of section 12-660 of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2018*):

42 (c) Notwithstanding the provisions of subsection [(b)] (c) of section
43 54-193, as amended by this act, a person may be prosecuted for a
44 violation of any provision of this chapter more than five years after

45 such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018, and applicable to any offense committed on or after October 1, 2018, and to any offense committed prior to October 1, 2018, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2018</i>	54-193
Sec. 2	<i>October 1, 2018</i>	12-660(c)

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	Potential	Potential
Resources of the General Fund	GF - Potential Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill extends the statute of limitations for certain sexual assault crimes from five years to 10 years. To the extent that this change results in more offenders being prosecuted and convicted, this bill results in a potential cost for incarceration or probation supervision in the community. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year.

In FY 17, there were 812 charges for the offenses listed, with 368 receiving a guilty charge or plea bargain. As of January 2018, there are approximately 704 persons incarcerated for the offenses listed and

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

approximately 522 on probation.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenders.

OLR Bill Analysis**SB 238*****AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.*****SUMMARY**

This bill extends the criminal statute of limitations for certain sexual assault crimes from five years to 10 years. The bill applies to the following crimes:

1. 1st degree sexual assault and 1st degree aggravated sexual assault, in cases where the crime is a class B felony;
2. sexual assault in a spousal or cohabiting relationship;
3. 2nd degree sexual assault; and
4. 3rd degree sexual assault and 3rd degree sexual assault with a firearm.

Under existing law, unchanged by the bill:

1. in some circumstances, 1st degree sexual assault and 1st degree aggravated sexual assault are class A felonies with no statute of limitations;
2. there is also no statute of limitations for any of the above crimes in specified circumstances when there is DNA evidence (see BACKGROUND);
3. in other sexual assault cases where the victim was a minor, the statute of limitations may extend as far as the victim's 48th birthday (see BACKGROUND); and
4. the statute of limitations is tolled (i.e., suspended) if the

defendant has fled the state before the statute of limitations has expired.

The bill also makes a conforming change (§ 2).

EFFECTIVE DATE: October 1, 2018, and the bill applies to (1) offenses committed on or after the date and (2) offenses committed before then if the statute of limitations in effect when the offense was committed had not expired as of October 1, 2018.

BACKGROUND

Cases Involving DNA Evidence

By law, there is no statute of limitations for any of the sexual assault crimes covered by the bill if (1) the victim reports the crime to the police or a prosecutor within five years of the date it is committed and (2) the alleged offender's identity is established through DNA using evidence collected at the time of the offense (CGS § 54-193b).

Cases Involving Sexual Assault of a Minor

By law, as with cases involving adult victims, there is no statute of limitations for sexual assault of a minor if (1) the crime is a class A felony or (2) there is DNA evidence for specified crimes as described above.

Otherwise, the statute of limitations for sexual assault of a minor is up to (1) the victim's 48th birthday or (2) five years from the date the victim notifies the police or a prosecutor of the crime, whichever is earlier. In cases of 2nd degree sexual assault where the victim is 13 to 15 years old and the offender is more than three years older, the victim must have notified the police or a prosecutor of the crime within five years after it was committed (CGS § 54-193a).

Related Bills

The Judiciary Committee favorably reported three other bills on this topic.

SB 237 creates a task force to study the statute of limitations for the

prosecution of sexual assault crimes.

sSB 132 (§§ 15-17) and sHB 5246 both eliminate the statute of limitations for (1) the crimes affected by this bill; (2) 4th degree sexual assault cases that are class D felonies; and (3) any other crimes involving sexual abuse or exploitation of a minor. Both bills also extend to 10 years the statute of limitations for 4th degree sexual assault cases that are class A misdemeanors.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 1 (04/03/2018)